IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.634 OF 2001
ALONGWITH
WRIT PETITION NO.635 OF 2001

Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr.K.K.Malpathak for the petitioners.
Mr.S.R.Nargolkar AGP for respondent nos.1 to 5.
Mr.R.S.Apte for respondent nos.2 to 4.

CORAM: V.G.PALSHIKAR &
D.B.BHOSALE, JJ.

DATED: 18TH OCTOBER, 2005

P.C.:

. By this petition, the petitioners have made the following prayers:

> (a). That this Hon'ble High Court be pleased to issue a writ of mandamus or a writ in the name of mandamus or any other appropriate writ, order or direction under Article 226 of the Constitution of India,
> (i) Directing the Respondent No.2 to forthwith reconstruct the demolished portion of the building of the Petitioners and demolished portion of the compound wall constructed by the Petitioners and to restore the said property to its original condition as it existed on 26th January, 2001.
> (ii) Directing the respondent no.2 to 5 to pay a sum of Rs.5,00,000/- by way of compensation to the petitioners for causing mental agony and pain to the petitioners.
> (iii) Directing the Respondent Nos.2 to 4 not to disturb the possession of the petitioners

over the said property without following due process of law.

(b) That pending the hearing and final disposal of this Writ Petition, this Hon'ble Court be pleased to pass an order of temporary injunction restraining the Respondent Nos.2 to 4.

(i) from entering the said property of the Petitioners for carrying out work of construction of road or gutter and from demolishing the House or any part thereof on the said property.

(ii) to forthwith construct the demolished portion of the building and demolished portion of the compound wall and to restore the said property to its original condition as it existed on 26th January, 2001.

2. These prayers are obviously based on facts. The petitioners are seeking for reconstruction of the wall demolished by the respondents and compensation for the mental agony. The appropriate remedy for the petitioners in the circumstances is civil suit for these relief. A writ jurisdiction cannot be exercised for amount of compensation taking into consideration the view of the Supreme Court in that regard. Leaving the remedy of filing the suit open to the petitioner the petition is, therefore, disposed of.

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